

Interim Decision #2000

MATTER OF DOBLE-PENA

In Visa Petition Proceedings

A-18287172

A-18287176

Decided by Board August 15, 1969

Since beneficiaries, who were born out of wedlock in the Dominican Republic in 1948 and 1949, were over 18 years of age at the time of the legitimating marriage of their natural parents in 1968, they cannot qualify as children within the meaning of section 101(b)(1)(C) of the Immigration and Nationality Act, as amended, and are ineligible for immediate relative status.

ON BEHALF OF PETITIONER: Edelmiro Salas Garcia, Esquire
P. O. Box 21211
Rio Piedras, Puerto Rico 00928
(Brief filed)

The cases come forward on appeal from the decision of the District Director, San Juan, Puerto Rico District, dated May 7, 1969 denying the visa petitions for the reason that the beneficiaries were more than eighteen years at the time the marriage occurred, and cannot meet the definition of children within the meaning of the Act; the beneficiaries therefore cannot be classified as immediate relatives of a United States citizen.

The petitioner, a native of the Dominican Republic, a citizen of the United States through his father, 42 years old, male, seeks immediate relative status on behalf of the beneficiaries as his children. The female beneficiary, Marina, was born December 28, 1948 at San Pedro de Marcoris, Dominican Republic. The male beneficiary, Bartolo, was born August 24, 1949 at the same place. Both beneficiaries are single. At the time of the beneficiaries' birth, their mother was single. The petitioner married the mother of the beneficiaries, Inez Maria Pena de Varga, on August 5, 1968 at Santo Domingo, Dominican Republic, when the beneficiaries were over the age of eighteen years.

The petitioner's first marriage to Anna Josefa Souffront Rodri-